December 9, 2013

Feedback from legal counsel regarding DRAFT facility naming policies:

I've looked through everything.

Based upon what information was provided by Heather (and reviewing the committee notes) and the comments by the trustees at the PNP meeting where this policy was discussed, I separated the policy from the procedures.  The document provided by our office before was meant to be a procedure.  While procedures should be separate from policy, I would advise that the procedures and policy be presented to the Board in light of the comments of the trustees from PNP.

Taking into consideration all of this, I made revisions to the procedures to make them a little more clear with the direction the committee is going.  I see that the committee adopted "guiding principles" for naming rights, but I also do not see that all have been incorporated into the procedures.  I think that these guiding principles should be incorporated into the procedures and identified as such.  Also, there was inconsistent language regarding naming rights in recognition – one sentence stated that such rights will not ordinarily be granted to a living person but the next sentence has a requirement that the individual be dead for 2 years.  The use of the term "ordinarily" gives the impression that there are exceptions, but this is contradicted by the requirement of death for 2 years.  I made revisions to the language to state that the Board can grant waivers in exceptional circumstances.

The procedures did not really discuss the process for seeking naming rights.  Does the committee envision individuals/companies applying for naming rights?  What is going to trigger these procedures? This should be addressed.  Also, since the Board itself will only be acting on a recommendation, the majority of the procedures will be implemented by the Superintendent or designee (with the superintendent making the recommendation to the Board).  As such, with regard to the criteria identified by the committee, I added language stating that the Superintendent will explain how the individual/entity meets the criteria or factors in making the recommendation to the Board.

With regard to the tribute and memorialization policy, I made some corrections.  My primary concern with this policy is the "extenuating" circumstances that would result in allowing a funeral to be held on the district property.  Some school districts have adopted policies not allowing any funerals, which is acceptable.  Since the District has denied past requests for funerals to be held on its property, I would advise that the committee consider clear parameters of what constitutes "extenuating circumstances."  Otherwise, this language is extremely subjective and would come down to who is more beloved than others.  Also, if District property is open to funerals, it cannot keep the media out.  Once the forum is opened to some, it is open to all.  Certainly filming and/or photos of the actual funeral would require the family's permission, but the media would be allowed to attend just in the same manner they could attend any funeral whatever the location.  As such, I deleted the language about no media being allowed.

Since the tribute/memorialization policy mentions procedures, I was not sure if it was referencing the past procedures developed to address these situations.  I know that procedures exist from previous years.  I would also note for these procedures that the guiding principles adopted by the committee should be incorporated into the procedures and identified as guiding principles.

I've attached both redlined versions (using Word's Track Changes option) and clean versions of these documents.

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